



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

JAN 11 2005

MEMORANDUM

SUBJECT: Revised Penalty Matrices for the RCRA Civil Penalty Policy

FROM: Rosemarie Kelley, Director *Rosemarie Kelley*
RCRA Enforcement Division
Office of Regulatory Enforcement

TO: Addressees List

This memorandum transmits updated penalty matrices for the 2003 RCRA Civil Penalty Policy ("RCRA Policy"). The matrices were updated to reflect the change to the RCRA Policy made by the Memorandum from Thomas Skinner, dated September 21, 2004, implementing the Civil Monetary Penalty Inflation Adjustment Rule which was effective on March 15, 2004.

The rule adjusted the maximum civil penalties that can be imposed by the Agency by 17.23%. The Skinner Memorandum adjusted all the Agency's penalty policies by that same amount, effective October 1, 2004. The attached matrices reflect that adjustment. It is important to remember that the attached matrices apply to penalties calculated for violations that occur after March 15, 2004. For violations that occurred before that date, the Regions should use the matrices that were provided in the RCRA Policy issued on June 23, 2003.

Any questions concerning this matter can be directed to Pete Raack of the RCRA Enforcement Division at (202) 564-4075 or by email at raack.pete@epa.gov.

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GRAVITY MATRIX

Extent of Deviation from Requirement

Potential
for
Harm

| | MAJOR | MODERATE | MINOR |
|----------|--------------------------|--------------------------|--------------------------|
| MAJOR | \$32,500 to 25,791 | \$25,790 to 19,343 | \$19,342 to 14,185 |
| MODERATE | \$14,184 to 10,316 | \$10,315 to 6,448 | \$6,447 to 3,869 |
| MINOR | \$3,868 to 1,934 | \$1,933 to 645 | \$644 to 129 |

Note: The total applicable gravity-based penalty should be rounded to the nearest unit of 100 as required by the Memorandum from Thomas Skinner, dated September 21, 2004, implementing the Civil Monetary Penalty Inflation Adjustment Rule.

MULTI-DAY MATRIX OF MINIMUM DAILY PENALTIES

Extent of Deviation from Requirement

Potential
for
Harm

| | MAJOR | MODERATE | MINOR |
|----------|------------------------|----------------------|----------------------|
| MAJOR | \$6,448 to 1,290 | \$5,158 to 967 | \$3,869 to 709 |
| MODERATE | \$2,837 to 516 | \$2,063 to 322 | \$1,290 to 193 |
| MINOR | \$774 to 129 | \$387 to 129 | \$129 |

Note: The total applicable gravity-based penalty should be rounded to the nearest unit of 100 as required by the Memorandum from Thomas Skinner, dated September 21, 2004, implementing the Civil Monetary Penalty Inflation Adjustment Rule.